

REMARKS

Claims 8-23 are pending in this application after this Amendment. Claims 8 and 20 are independent. In light of the amendments and remarks contained herein, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections.

By this Amendment, Applicant has canceled claims 1-7 without prejudice or disclaimer to the subject matter included therein. Applicant has further amended the claims to correct minor antecedent errors and typographical errors.

In the outstanding Official Action, the Examiner objected to the title and further objected to claims 2-7 and 9-19. The Examiner further rejected claims 1-4 and 17-19 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Umezawa et al.* (USP 5,491,507); rejected claim 5 under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Tanaka et al.* (U.S. Patent Application Publication No. 2002/0191096); rejected claims 6-7 under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Tanaka et al.* and further in view of *Kiyokawa* (USP 6,204,877); rejected claims 8-10, 12, 16, and 20-23 under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Fumio et al.* (USP 6,515,706); rejected claim 11 under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Fumio et al.* and further in view of *Oeda et al.* (U.S. Patent Application Publication No. 2001/0012071); rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Fumio et al.* and further in view of *Tanaka et al.*; and rejected claims 14-15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Umezawa et al.* in view of *Fumio et al.* and *Tanaka et al.* and further in view of *Kiyokawa*. Applicant respectfully traverses these rejection.

Title

The Examiner objected to the title of the invention asserting that it is not descriptive. By this Amendment, Applicant has amended the title. It is respectfully requested that the outstanding objection with withdrawn.

Claim Objections

The Examiner objected to claims 2-7 and 9-19 asserting that there is insufficient antecedent basis for the term “the electronic camera.” By this Amendment, Applicant has amended these claims to correct the antecedent error. It is respectfully requested that the outstanding objection be withdrawn.

Claim Rejections – 35 U.S.C. § 103 - *Umezawa et al./Fumio et al.*

In support of the Examiner’s rejection of claim 8, the Examiner admits that *Umezawa et al.* fails to teach or suggest a lens cover for the taking lens and the controlling device controlling the lens cover driving device to close the lens cover when the camera is not used for performing camera functions. The Examiner relies on the teachings of *Fumio et al.* to cure the deficiencies of teachings of *Umezawa et al.* In providing motivation, the Examiner asserts that one of ordinary skill in the art would combine the purported automatic lens cover and lens cover driving unit of *Fumio et al.* with the telephone of *Umezawa et al.* so that when the camera is not in use, scratches on the surface of the camera lens may be avoided. Applicant respectfully disagrees that this is sufficient motivation in order to establish *prima facie* obviousness.

Umezawa et al. discloses a video telephone. As shown in Figure 6, a lens portion 24 provided at the distal end of the camera 3 is slideable in the longitudinal direction of the camera 3 relative to the body thereof. On the other hand, an indent 25 into which the foremost end of the lens portion 24 can be snugly fitted is formed at the lower end of the fixture 21a of the antenna 21. In a case where the lens portion 24 is pulled up and is brought into engagement with the indent 25 in the state in which the longitudinal direction of the camera 3 agrees with that of the telephone equipment 1, the camera can be fixed into a storage state. In the storage state, the lens portion 24 can be protected from water drops and dust (Col. 7, lines 60 through Col. 8, lines 5).

Umezawa et al. already provides for protecting the lens of the camera when the camera is not in use in order to avoid scratches on the surface of the camera. The Examiner fails to provide any motivation as to why one skilled in the art would modify the telephone equipment of

Umezawa et al. with the automatic lens cover and lens cover driving unit. As the Examiner has failed to provide motivation for the purported modification, Applicant respectfully submits that the Examiner has failed to establish *prima facie* obviousness.

In addition, in making the purported combination asserted by the Examiner, namely providing the camera of *Umezawa et al.* with a lens cover and controlling device controlling the lens cover with the lens cover driving device to close the lens cover, it would be necessary to limit the mobility of the camera 3 of *Umezawa et al.* In doing so, the invention of *Umezawa et al.* would not be achieved as *Umezawa et al.* discloses video telephone equipment that provides for a camera that is rotatable in a storage position when engaged with indent 25 and further is rotatable to a position wherein the camera, as depicted in Fig. 7, to a position where the user of the camera may be viewed. As such, the Examiner's purported combination would render the video telephone equipment of *Umezawa et al.* inoperable for its intended purpose.

Finally, in support of the Examiner's rejection of claim 8, the Examiner asserts that *Umezawa et al.* discloses a controlling device that prohibits the electronic device from performing functions related to the camera whenever the first mode is set by the mode setting device citing Col. 11, lines 17-20. *Umezawa et al.* discloses at Col. 11, lines 15-24 as follows:

Even when the equipment 1 is being operated as the video telephone set, it can assume the same attitude as in the case of the telephone conversation corresponding to only the voices. In such an attitude, neither the display panel 11 nor the camera 3 can be used. The aspect of operation, however, is effective in a case where the user does not want nearby persons to hear the telephone conversation or where noise develops due to, e.g., automobile traffic during the course of the telephone conversation.

As can be seen from the above citation, *Umezawa et al.* discloses when the equipment is being operated as the video telephone set, it can assume the same attitude as the case of the telephone conversation corresponding to only the voices. In other words, the user can use the equipment as a normal telephone even though the equipment is being operated in the video telephone mode. Applicant maintains that these teachings are insufficient to teach or suggest prohibiting the electronic device from performing functions related to the camera whenever the

first mode is set by the mode setting device. As *Fumio et al.* fails to cure the deficiencies of the teachings of *Umezawa et al.*, it is respectfully submitted that the Examiner has failed to provide references that teach or suggest to all the claimed elements.

For all the reasons set forth above, it is respectfully submitted that the Examiner has failed to establish *prima facie* obviousness by failing to provide references that teach or suggest to all the claimed elements and further by failing to provide sufficient motivation. Finally, the purported combination asserted by the Examiner would render the device of *Umezawa et al.* inoperable for its intended purpose. For all these reasons, Applicant respectfully submits that claim 8 is not obvious over *Umezawa et al.* in view of *Fumio et al.* It is respectfully requested that the outstanding rejection be withdrawn.

It is respectfully submitted that claims 9-19 are allowable for the reasons set forth above with regard to claim 1 at least based upon their dependency on claim 1. It is further respectfully submitted that claim 20 includes elements similar to those discussed above with regard to claim 8 and thus claim 20, together with claims dependent thereon, is not obvious for the reasons set forth above with regard to claim 8.

Conclusion

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Catherine M. Voisin (Reg. No. 52,327) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No. 09/867,684
Amendment dated May 31, 2006
Reply to Office Action of January 31, 2006

Docket No.: 0879-0316P

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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